

BEFORE THE BOARD OF NURSING HOME ADMINISTRATORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 8.34.418,) ON PROPOSED AMENDMENT
pertaining to fees)

TO: All Concerned Persons

1. On November 12, 2002, at 10:00 a.m., a public hearing will be held in the Business Standards Division, room 438, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing Home Administrators no later than 5:00 p.m., on November 6, 2002 to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdnha@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

8.34.418 FEE SCHEDULE (1) ~~The examination~~ Applicant
and licensee fees ~~shall be~~ are as follows:

(a) application fee	\$60	<u>\$100</u>
(b) NAB examination and re-examination	235	
(c) jurisprudence re-examination		<u>\$50</u>
(d) (c) inactive renewal fee	45	<u>75</u>
(e) (d) active renewal fee	90	<u>125</u>
(f) (e) temporary permit	50	<u>100</u>
(g) (f) reciprocity	100	<u>200</u>
(h) through (j) remain the same, but are renumbered (g) through (i).		
(k) (j) late renewal (if paid after December 31)	25	<u>100</u>

(l) (k) educational approval fee	25	<u>40</u>
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(2) All fees are non-refundable.

(3) The NAB examination fee and re-examination fee is set by the examination administrator, and is paid by the applicant directly to the examination administrator.

AUTH: Sec. 37-1-131, 37-1-134, ~~37-9-201, 37-9-203,~~ 37-9-304, MCA

IMP: Sec. 37-1-131, 37-1-134, ~~37-9-203,~~ 37-9-304, MCA

REASON: There is reasonable necessity to amend ARM 8.34.418 in order to set the Board's fees at a level commensurate with costs, as required by 37-1-134, MCA. The Board estimates that approximately 284 persons (200 active licensees, 54 inactive status licensees, and 30 new applicants) will be affected by the proposed fee changes. The estimated annual increase in revenue is approximately \$18,350. Under the proposed fee schedule, the Board's projected annual revenue is \$37,750. The Board's appropriation for fiscal year 2003 is \$26,823. A legislative audit of the Business Standards Division required that all boards pay their portion of the conversion to the Oracle database system. The Oracle reallocation for the Board is \$946 and is additional to the appropriation for the Board. The reallocation is required to be paid in fiscal year 2003. The Board's recharge will be increased by \$16,368 in the 2004 fiscal year and \$17,339 in fiscal year 2005. The recharge calculation was based on the Board allocated FTE. The percentage of total board allocated FTE was based on the daily time distribution sheet; personal services charges for the Health Care Licensing Board; personnel allocation without investigator (4 FTE); HCLB Bureau budget; Business Standards Division recharge; and BSD Legal Allocation. The BSD has implemented the alternative pay plan with those increases reflected in the board's recharge. The board last raised its fees in fiscal year 2000.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdnha@state.mt.us and must be received no later than 5:00 p.m., November 19, 2002.

5. An electronic copy of this Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://discoveringmontana.com/dli/nha>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address does not excuse late submission of comments.

6. The Board of Nursing Home Administrators maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish

to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Nursing Home Administrators administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Nursing Home Administrators, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdnha@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

7. The Board of Nursing Home Administrators will meet on December 3, 2002, at its regularly scheduled meeting in Helena to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendment. The meeting will be held in conjunction with the Board's regular meeting. Members of the public are welcome to attend the meeting and listen to the Board's deliberations, but the Board cannot accept any comments concerning the proposed amendment beyond the November 19, 2002, deadline.

8. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF NURSING HOME
ADMINISTRATORS
JAENA RICHARDS, CHAIRMAN

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

/s/ KEVIN BRAUN
Kevin Braun
Rule Reviewer

Certified to the Secretary of State October 7, 2002.